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SUBJECT: SIXTH COMMITTEE: DEBATE ON SPECIAL COMMITTEE ON  
THE UN CHARTER

¶1. Summary: The Sixth Committee debated Agenda Item 82, Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on October 19. Twenty-three Member States, including the United States, delivered statements on the subject with most delegations expressing direct support for the working paper on sanctions submitted by the Russian Federation. The Russian Federation asserted that the Charter Committee in February had agreed to submit to the General Assembly for adoption. The United States, the only country to express concerns about the paper, took issue with the Russian Federation's assertion that there had been agreement on the paper. Debate concluded with a back and forth between South Korea and the Democratic People's Republic of Korea over the U.N. Command in South Korea. End Summary.

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REGIONAL SPEECHES  
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¶2. Sweden, on behalf of the European Union (EU), advocated for the Russian Federation's working paper and added that sanctions need to be targeted, monitored, and periodically reviewed for their necessity and to avoid damaging third parties. Sweden stated, however, that the question of assistance to third party states affected by sanctions should no longer be addressed by the Special Committee and suggested that no additional items be added to the Charter Committee's agenda as there are already a number of unresolved issues to be dealt with. Like other delegations, Sweden commended the efforts to clear the backlog in the publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

¶3. Tunisia, representing the African Group, stressed the need for sanctions to be non selective, targeted, for a specified timeframe, reviewed periodically, and lifted as soon as the objectives are achieved. Tunisia called for "strict adherence" to Article 50, explaining that a state has the right to consult the Security Council should it be facing special economic problems from Security Council measures. The African Group supported the Libyan proposal to provide compensation to targeted or third party states damaged by Security Council resolutions inconsistent with the U.N. Charter.

¶4. Iran, on behalf of the Non-Aligned Movement (NAM), called for the democratization of principal U.N. organs and criticized the Security Council for encroaching on the functions of the General Assembly and Economic and Social Council. The NAM argued that sanctions are a measure of last resort used only to counter acts that threaten international peace, not as a preventative measure. According to the NAM, sanctions should be "clearly defined, based on tenable legal grounds," imposed for a specific timeframe, and lifted as soon as the objectives are achieved.

¶5. New Zealand, representing Canada, Australia, and New Zealand (CANZ), echoed the NAM's statement that sanctions are a last resort tool and that they should have clear objectives

and be reviewed regularly. CANZ welcomed improvements to the listing and delisting process.

¶6. Mexico, on behalf of the RIO Group, reaffirmed the importance of peaceful dispute resolution and supported Russia's working paper. Mexico recognized the importance of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

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COMMON THEMES AND INDIVIDUAL SPEECHES OF NOTE  
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¶7. More than half of the speeches promoted the Russian working paper on sanctions and called for sanctions to be used only as a last resort and for them to be targeted, reviewed periodically, lifted when no longer necessary, and for a certain timeframe. In addition, many Member States called for a mechanism to provide aid to third States impacted by sanctions. Several Member States (e.g. Egypt, Belarus, Vietnam, and Algeria) promoted the proposal to have the International Court of Justice issue an opinion on the use of force. As in other Sixth Committee sessions, several Member States (notably Cuba, DPRK, Iran, and Venezuela) called for the democratization of the United Nations and for Security Council Reform. Member States, in almost all of the addresses, commended the work of the Secretariat in publishing the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

¶8. Malaysia expressed its concern over the "trend to utilize Security Council Resolution Chapter VII powers to further other agendas." For example, Malaysia described Security

Council Resolution 1540 as contravening the U.N. Convention on the Law of the Sea as it gives the Security Council legitimacy to the interdiction of weapons of mass destruction in the high seas. Malaysia cited the recent Security Council Resolution on piracy in Somalia as another example of intrusion.

¶9. The Russian Federation asserted that in February the Charter Committee had reached final agreement on its sanctions paper, and had agreed to submit it to the General Assembly for adoption. The United States took issue with the Russian Federation, first reiterating the United States view that the Charter Committee should not devise norms concerning the design and implementation of Chapter VII sanctions, which are in the purview of the Security Council. LegOff stated that the USG conveyed to the facilitator of the negotiations in February that the USG continued to have concerns about the paper and was not in a position to support its adoption. As a result, last February's Committee decision contained the words "with a view to adoption," which the USG understood as leaving the door open for further discussion. LegOff commended the efforts to reduce the backlog on the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. LegOff clarified that Article 50 of the U.N. Charter provides a mechanism to discuss the effects of sanctions on third States but that it does not require specific Security Council action. Finally, LegOff said that the USG does not support the request for the ICJ to issue an opinion on the use of force.

¶10. The Democratic People's Republic of Korea (DPRK) criticized the selectivity and "high handedness" of Security Council sanctions, stating they were misused by other countries. DPRK called the U.N. Command in South Korea "illegal" which led to a right of reply exchange between South Korea and DPRK. South Korea maintained the legality of the U.N. Command citing U.N. resolutions, while DPRK claimed that the U.N. Command received no assistance from the United Nations. DPRK claimed the U.N. Command functioned to serve the goals of the United States, which is responsible for the massacre of Koreans.

¶11. The Member States that addressed the Sixth Committee included: Sweden on behalf of the EU, Tunisia on behalf of the African Group, Iran on behalf of NAM, New Zealand representing CANZ, Mexico on behalf of the RIO Group, Egypt, Belarus, China, Cameroon, Russia, Cuba, Azerbaijan, Tunisia, Vietnam, Morocco, Democratic People's Republic of Korea, Algeria, Iran, Turkey, Malaysia, Venezuela, Afghanistan, and the United States.  
Wolff